

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MEDTECH PRODUCTS, INC.,

Plaintiff,

No. 07-CV-3302 (KMK)(LMS)

-v-

ECF Case

DENTEK ORAL CARE, INC., et al.,

Defendants.

NOTICE OF
MOTION

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PLEASE TAKE NOTICE, that upon the declaration of Michael A. Freeman, Esq., dated February 29, 2008, the exhibits attached thereto, and the memorandum of law submitted herewith, defendants Ray Duane and C.D.S. Associates, Inc. (collectively, the "Duane Defendants") will move this Court before the Honorable Lisa M. Smith, United States Magistrate Judge, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, at a date and time to be designated by the Court, for an Order:

1. pursuant to Fed. R. Civ. P. 12(b)(6), dismissing this action against the Duane Defendants;
2. granting the Duane Defendants leave to file a motion seeking an Order awarding their reasonable attorneys' fees and litigation costs in the defense of this action; and
3. for such other and further relief as the Court deems just and proper.

Pursuant to the Court's Order stated in open court on February 14, 2008, opposition papers to this motion shall be served on or before March 24, 2008.

Dated: New York, New York
February 29, 2008

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